REMARKS

Claims 1-14 were pending in the application. Claim 14 has been canceled. Claims 1-3, 5-8 and 10-12 have been amended. Claims 15-20 have been added. Therefore, claims 1-13 and 15-20 are now pending in this application.

35 U.S.C. § 103 Rejections

Claims 1-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Beardsley et al. (U.S. Publication No. 2003/0131285) in view of Topley (The Mobile Information Device Profile and MIDlets, excerpted from the book of "J2ME™ In A Nutshell," Oct. 1, 2003, The O'Reilly Network™) and further in view of Farchi, et al. (Using a Model-based Test Generator to Test for Standard Conformance, 2002, IBM™ Systems Journal). Applicant submits that the previous claims are patentably distinct over these references. Nonetheless, to advance prosecution, Applicant has amended the claims, and submits that the amended claims also distinguish over the cited references.

The Examiner alleges that Beardsley discloses "suites of test programs." *See* Office Action at 3. What the Examiner alleges to be "suites of test programs" are software to be tested "on multiple client computers on various platforms." *See* Abstract. Thus, it is the software itself, not the client computers, that are being tested in Beardsley. Furthermore, the "various platforms" in Beardsley's Abstract appears to refer to different versions of the same program to be tested. *See* Beardsley at [0004] ("For each platform and language (i.e., group) on which a product developer wants a product tested, the product developer provides a test packet that defines tests that the product developer wants conducted on the product in that group."). Accordingly, Beardsley discloses testing of different versions of the same software through the use of "test packets" particularized for the corresponding platform.

Amended claim 1 specifies that, in contrast to Beardsley, each "suite[] of test programs … is executable on one or more computing devices … **to test the one or more computing devices.**" Beardsley also does not disclose that each "test packet" is configured to "execute … using a different test harness," as recited in amended claim 1.

(Beardsley does not disclose the concept of a "test harness" at all). The combination of art (Beardsley, Topley, Farchi), even if combinable (which Applicant does not concede), therefore does not teach each and every limitation of claim 1, including, at least the "providing" limitation of amended claim 1. As such, this combination cannot be used to support a *prima facie* case of obviousness with respect to claim 1. *See* MPEP § 2143.03.

Furthermore, the Examiner alleges that Farchi teaches the "converting said suites to a common representation," as previously recited in claim 1. *See* Office Action at 3. Farchi discloses the use of a "test generator" ("GOTCHA TCBeans") that "generate[s] test suites from FSM [finite state machine] models." *See* Farchi at ¶ 1; ¶ 5, lines 6-9. Note that the input to Farchi is an FSM, which Applicant contends is not one of a "plurality of suites of test programs" that is "configured to execute on the one or more computing devices <u>using a different test harness,</u>" as in claim 1. Farchi does not disclose 1) that its FSMs are executable; 2) that its FSM are executable "using a … test harness"; and 3) that each FSM is executable using a "different" test harness. Nor is Farchi's output disclosed to be "executable using a common test harness." Farchi is concerned with converting a (non-executable) FSM into an executable test suite, and thus does not teach the "converting" recited in amended claim 1.

Still further, Applicant questions the motivation to combine the references, particularly Beardsley and Farchi. As described above, Beardsley concerns the testing of a piece of software on multiple client computers, which may correspond to different platforms. In Beardsley's system, it appears that the developer has already developed the version of the software for each platform (or, at the very least, has created a test packet for each platform). *See* Beardsley at [0004]. As such, it is unclear why there is any need for "converting" in the context of Beardsley. The Examiner's proposed combination appears to be adding functionality to Beardsley to solve a problem that does not exist.

In short, not only do Beardsley and Farchi not teach the "providing" and "converting" limitations of amended claim 1, but these references are not believed to be combinable in the manner alleged by the Examiner. For at least these reasons, claim 1 and its dependent claims are believed to be in condition for allowance. Independent

claims 6 and 11 and their dependent claims are believed to be patentably distinct over the cited references for at least reasons similar to those provided in support of claim 1.

Applicant respectfully requests removal of the § 103 rejections.

CONCLUSION:

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5681-80300/DMM.

Respectfully submitted,

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